

**Evaluation Findings
for the
Hawaii Coastal Zone Management Program
from
November 2001 through August 2004**

November 2005

Office of Ocean and Coastal Resource Management
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EXECUTIVE SUMMARY

A. OVERVIEW

Section 312 of the Coastal Zone Management Act of 1972 (CZMA), as amended, requires NOAA's Office of Ocean and Coastal Resource Management (OCRM) to conduct periodic evaluations of state coastal management program implementation. This review examined how the State of Hawaii has implemented and enforced the Hawaii Coastal Zone Management Program (CZM Hawaii), addressed the coastal management needs addressed in section 303(2)(A) through (K) of the CZMA, and adhered to the terms and conditions of the NOAA financial assistance awards CZM Hawaii received between November 2001 through August 2004.

B. ACCOMPLISHMENTS

The Evaluation Team documented a number of areas where the CZM Hawaii improved its management of Hawaii's coastal resources. These include:

1. Coastal Hazard Initiatives. CZM Hawaii has broadened its coastal hazard initiative during this period to include a wider range of partnerships with the scientific and engineering communities and academia, while strengthening its ties to the community at-large and to Federal, State, and County agency partners. Members of the various hazard partnerships have contributed knowledge, resources, and time to move toward the goal reducing or eliminating the long-term risk to human life and property from natural hazards.

2. Outreach and Education Activities. Public outreach is an ongoing activity that has been identified as a priority for the CZM Hawaii. As such, staff members have been active participants in many organizations, events and conferences in Hawaii and abroad, educating audiences about the role coastal zone management plays in their lives.

3. Consideration of Traditional Hawaiian Values, Native Hawaiian Access and State Local Cooperation and Coordination. A significant service provided by the CZM Hawaii was cited by many as the integration and incorporation of traditional values within the ongoing work of coastal management. CZM Hawaii funded the Native Hawaiian Access Rights Project to assist in the development of statewide practical and appropriate Special Management Area (SMA) permit procedures and possible legislation to address the Public Access Shoreline Hawaii (PASH) decision regarding customary and traditional access rights. This multi-year task is a good illustration of the ability of the CZM Hawaii Program to bring together all interested parties to address the implications of the Supreme Court ruling on the PASH decision for the CZM Hawaii Program and the county SMA permit procedures. Throughout the site visit meetings with local governments, it was clear that there is a strong tie between CZM Hawaii and the appropriate local agencies and

that those agencies rely heavily on the technical support of CZM Hawaii staff and CZM funding.

- 4. Consistency Reviews.** CZM Hawaii monitors the actions undertaken by CZM Hawaii partner agencies on various types of permit applications and implementation of CZM Hawaii rules and regulations for compliance with Program objectives and policies. An individual CZM Hawaii staff person is assigned to each county to serve as a liaison. County liaisons provide a direct link to the counties and allow for frequent personal contact with each county.
- 5. Program Credibility and Regional Leadership.** CZM Hawaii has developed a rapport with regional and local governments, groups and individuals such that other agencies either look to replicate what has been accomplished, or work closely with the Program to collectively “present a strong public image” in support of appropriate development, use and protection of Hawaii’s coastal resources.
- 6. Geographic Information System (GIS) Initiatives.** The Hawaii Statewide Geographic Information Systems (GIS) Program, also within the Office of Planning, is a multi-agency effort to establish and promote the use of GIS technology in the Hawaii State Government. One of the primary goals of the State GIS Program is to improve the overall efficiency and effectiveness in government decision-making through the development, maintenance, and sharing of database applications via GIS mapping technologies. CZM Hawaii is presently working with the State GIS Program (through funding, coordination, and staffing) to acquire existing GIS data, convert primary data gathered on Hawaii for mapping, and produce mapping analyses and products.
- 7. Collaboration with Federal Agencies.** CZM Hawaii has worked closely with federal programs and federally funded programs throughout the review period. In this capacity the work of the Pacific Services Center, Coastal Services Center, Sea Grant, the East West Center, and the Hawaiian Islands Humpback Whale National Marine Sanctuary has been amplified as has the mission of the CZM Hawaii Program.
- 8. The Marine and Coastal Zone Advocacy Council (MACZAC).** In 2001 under Act 169, the Hawaii State Legislature established the Marine and Coastal Zone Advocacy Council (MACZAC), a citizens-only advocacy group. This change in membership better represents the public interest and creates an effective partnership to advocate for the appropriate management of Hawaii’s coastal resources. Prior to this, CZM Hawaii maintained an advisory council composed of government agencies, with few non-government representatives.
- 9. International Coastal Management.** CZM Hawaii supported a seminar effort with a consortium of Hawaiian companies using USAID funds directed toward the export of product, capabilities, concepts and expertise to Pacific Rim nations, in an effort to bolster a sagging State economy and to build demand for Hawaiian services and products.
- 10. Ecological Characterization.** The Waianae Ecological Characterization project is

being developed as part of CZM Hawaii's efforts to develop a management framework for the Waianae community in west Oahu. An interactive CD-ROM with information and planning tools for community leaders, educators, researchers, partnering agencies, and other stakeholders and interested parties will be developed.

C. SUMMARY OF RECOMMENDATIONS

In addition to the significant accomplishments described above, OCRM has identified areas where the program may be improved. These evaluation findings contain two recommendations which take the form of Necessary Actions and are mandatory. Eight (8) recommendations take the form of Program Suggestions and are not mandatory.

Finding: Program Implementation Leadership. While CZM Hawaii has taken the forefront in leadership in the overall implementation of the CZM Hawaii Program, this has been on a changing stage under sometimes shifting direction, making coordination more than a simple task, affecting communication within the overall network of the Program, and slowing down progress on requirements of NOAA/OCRM. The result is that a Necessary Action of the previous evaluation was not met (see Appendix D) and that there is some cloud over leadership. The CZM Hawaii Program is Federally approved within the organizational structure of the Office of Planning, Department of Business, Economic Development and Tourism and is tasked with the lead role of overall implementation of the network of laws, regulations and policies that make-up the CZM Hawaii. In May 2003, the Governor issued a letter directing DLNR and CZM Hawaii to work together and the Office of Planning was to report to and consult with DLNR.

1. **NECESSARY ACTION. The gubernatorial letter of May 2003 directing the Office of Planning to answer to the Chairperson of DLNR is not clearly supported by State law and is inconsistent with the organizational structure of the CZM Hawaii Program approved by NOAA. The State must resolve this issue either by formally submitting a program change, with adequate legal justification to support such a reassignment of responsibility, or the State can appoint a new director of the Office of Planning, who can meet the responsibility of leading the CZM Hawaii Program.**
2. **NECESSARY ACTION. CZM Hawaii needs to complete the necessary action from the previous evaluation, addressing the need to improve the enforcement of local SMA programs, on an expedited schedule. This schedule must be provided to NOAA/OCRM within six months of the receipt of the final findings. Furthermore, CZM Hawaii is to develop a strategy to assure open communication between and among all networked partners within a year of the receipt of final findings.**

Finding: Human Resources. The previous evaluation of the HCZMP had several Program Suggestions which dealt with staff resources: identification of need for positions; identification and securing of funding; and recruitment. While positions have been defined and funding has been identified, administrative problems have resulted in not filling the jobs identified (outreach and education; compliance officer; staff biologist/environmental specialist).

3. PROGRAM SUGGESTION. CZM Hawaii should look at alternative hiring practices to fill existing staff vacancies as it works within the State personnel practices framework to facilitate staff recruitment. In concert with this activity, CZM Hawaii is encouraged to look at other personnel needs to facilitate coordination of CZM Hawaii management practices where they are merited.

Finding: Regional Leadership. The discussions of Section IV, Program Accomplishments indicate a high level of regional coordination and cooperation attributable to the CZM Hawaii. Though the Program is commended for its leadership in this area, it is recognized that in a region as large and diverse as that of Hawaii, comprehensiveness of approach is difficult to define. CZM Hawaii provides that regional breadth.

4. PROGRAM SUGGESTION. CZM Hawaii should maintain its emphasis on regional coordination and, as the lead for the synchronization of efforts under CZM Hawaii, should continue its high degree of leadership in these efforts.

Finding: Shoreline Certification. The State process related to Shoreline Certification, mentioned in one of the program suggestions of the last evaluation, remains an issue. This is important because at that time CZM Hawaii was urged to work with the appropriate agencies and groups "...to obtain necessary resources to develop and acquire scientifically-based shoreline data to determine changes to strengthen the CZM Law's shoreline setback provisions..."

5. PROGRAM SUGGESTION. CZM Hawaii should work with DLNR to develop a scientifically-based shoreline definition process.

Finding: Strategic Direction/Strategic Planning. The previous evaluation suggested that CZM Hawaii "take the lead in developing a Strategic Plan...to establish a shared vision and strategic directions for priority issues...over the next 5 years." The work of CZM Hawaii in developing strategic considerations, such as through the coastal hazards initiatives, is a good first step in this process.

6. PROGRAM SUGGESTION. CZM Hawaii is encouraged to pursue a rigorous strategic planning effort with the support of the networked State agencies, the Counties, appropriate interested groups and the public.

Finding: Public Information and Involvement. There are two Gubernatorial Directives regarding "advertising" which affect press notices and affect CZM Hawaii education and outreach activities. Directive 1 provides for no advertising without the Governor's Educational Office approval (such as display advertisements), which is required, in part, to assure that the message put forth is consistent with the Governor's policies. Directive 2 prevents the addition of advertising as a part of a contract (such as a contract to provide education or outreach on a specific issue or set of issues). The problem here is that education and outreach are often activities required as part of contracting with Federal CZMA funds.

7. PROGRAM SUGGESTION. CZM Hawaii is encouraged to work with the Governor's Education Office to facilitate ongoing CZM Hawaii education and

outreach activities both in support of actions required as a part of use of Federal CZMA funding and in support of other Programmatic initiatives.

Finding: Outreach, Coordination and Communication. One of the strength of CZM Hawaii is the role it plays as a mechanism for coastal coordination and communication within the complex structure of agencies and groups involved with preservation and use of the State's coastal resources. By the acknowledgment of many of those groups, it is important that CZM Hawaii continue to provide existing levels of support. Significant efforts for ongoing support include, but are not limited to, coastal erosion, watershed management and coral reefs. With all the good work in outreach CZM Hawaii has accomplished during the review period, there is still more to be done. A number of these themes have been discussed above; watershed management, community based management, and consistency are indicative. What is needed is an ongoing program directed toward decisionmaking areas of the public and the public in general to continue to raise awareness of the science and what that science provides toward resolution strategies

8. PROGRAM SUGGESTION. CZM Hawaii is encouraged to maintain its ongoing coordination and communication activities within the full coastal resource management community. CZM Hawaii is strongly encouraged to continue outreach activities directed toward providing the knowledge and the tools to networked agencies, Counties and local governments, relevant groups and the general public to properly decide the appropriate use and protection of the State's coastal resources.

Finding: Major - Minor Special Management Area Permits. There is a problem with the Special Management Area major - minor permit process in that the permit threshold for a major permit is limited to a \$125K building cost. In many cases, properties are well above the threshold in land costs, as are the buildings. This means that a single family house with minimal impact is treated the same as a substantial project with many impacts.

9. PROGRAM SUGGESTION. CZM Hawaii should look at the major-minor permit process of the Counties to assure that the process and decision points provide for adequate environmental protection while allowing suitable development to proceed in a timely manner.

I. INTRODUCTION

Section 312 of the Coastal Zone Management Act (CZMA) of 1972, as amended, requires NOAA's Office of Ocean and Coastal Resource Management (OCRM) to conduct a continuing review of the performance of States and Territories with Federally approved Coastal Management Programs. This document sets forth the evaluation findings of the Director of OCRM with respect to the Hawaii Coastal Zone Management Program (CZM Hawaii) for the period from November 2001 through August 2004. This document includes an Executive Summary, Program Review Procedures, Program Description, Accomplishments, Review Findings and Recommendations, and a Conclusion.

The recommendations made by this evaluation appear in **bold** type and follow the section of the findings in which the facts relative to the recommendation are discussed. The recommendations may be of two types:

(1) **Necessary Actions** address programmatic requirements of the CZMA regulations and of CZM Hawaii approved by NOAA, and must be carried out by the date(s) specified. There are two Necessary Actions within this document.

(2) **Program Suggestions** denote actions which OCRM believes would improve the management and operations of the Program, but which are not mandatory at this time.

If no specific dates are given for carrying out a Program Suggestion or a Necessary Action, the State is expected to have successfully implemented the Necessary Action or Program Suggestion by the time of the next section 312 evaluation. The findings contained within this document will be considered by NOAA in making future financial assistance award decisions relative to the Hawaii Coastal Zone Management Program.

II. PROGRAM REVIEW PROCEDURES

The Office of Ocean and Coastal Resource Management (OCRM) evaluation staff began review of CZM Hawaii in April 2004. This included an analysis of the approved CZM Hawaii Program, previous and current award documents and performance reports, previous evaluation findings, correspondence relating to CZM Hawaii, and other relevant information. The OCRM National Policy and Evaluation Division (NPED) and the Coastal Programs Division (CPD) staff coordinated to determine the issues which would become the main focus of the evaluation. The Evaluation Team analyzed the State's responses to these specific issues and used them as primary sources of information on CZM Hawaii's operation.

The Evaluation Team gave special emphasis to the following issues:

- * The effectiveness of CZM Hawaii authorities and procedures to address coastal resource needs;
- * The effectiveness of monitoring and enforcing the State laws and authorities under CZM Hawaii;
- * The effectiveness of the CZM Hawaii Federal consistency process as a management tool;
- * Opportunities for public participation, both formal and informal, in permitting and planning decisions under CZM Hawaii;
- * Status of the Necessary Action of the previous evaluation;
- * Any program changes to and impact of these changes on CZM Hawaii; and,
- * Opportunities to use educational institutions or other initiatives to develop outreach focused on building programmatic support at all levels.

Eldon Hout, Director, OCRM, John H. McLeod, Evaluation Team Leader, National Policy and Evaluation Division, Masi Okasaki, Program Specialist, Coastal Programs Division (CPD), and Tom Skinner, Manager of the Massachusetts Coastal Program, conducted a site visit from August 23 through 27, 2004. The Evaluation Site Visit Team met with representatives of State and local governments, Federal agencies, interest group representatives, and private citizens during the site visit.

A Public Meeting was held on Monday August 23, 2004, at 6:00 p.m. at the St. Andrew's Priory School, Kennedy Hall, Room K111, 224 Queen Emma Square, Honolulu. (**Appendix A** lists persons contacted in connection with the evaluation; **Appendix B** lists persons who attended the Public Meeting; **Appendix C** contains NOAA's response to written comments received.)

CZM Hawaii staff was instrumental in setting up meetings and arranging logistics for the evaluation site visit. Their support is gratefully acknowledged.

IV. PROGRAM ACCOMPLISHMENTS

The true strength of any program lies in its supporting staff and Hawaii is fortunate in this regard. It is through their efforts that the significant accomplishments documented here came to fruition. During the period of time covered by this evaluation, November 2001 through August 2004, the Hawaii Coastal Zone Management Program has addressed many coastal issues. The results detailed below would not have occurred without committed leadership and staff. Ultimately, the actions of CZM Hawaii personnel lead to the specific accomplishments detailed below.

A) Coastal Hazard Initiatives.

CZM Hawaii has broadened its coastal hazard initiative during this period to include a wider range of partnerships with the scientific and engineering communities and academia, while strengthening its ties to the community at-large and to Federal, State, and County agency partners. Members of the various hazard partnerships have contributed knowledge, resources, and time to move toward the goal of reducing or eliminating the long-term risk to human life and property from natural hazards. Hawaii's Section 309 five-year strategy (2001-2006) names *Coastal Hazards* as one of three priority areas. During this period, goals have been to increase awareness, preparedness, and mitigation of natural hazards through the development and adoption of county multi-hazard mitigation plans, a lava flow mitigation plan, and a statewide multi-hazard mitigation plan. CZM Hawaii has concentrated its efforts on the following areas:

Working with the State and Counties to develop their hazard mitigation plans.

Working in partnership with hazard-specific technical committees to assess the state of knowledge of the hazard, to analyze and model the hazard, and to ensure that newly developed knowledge is brought before the proper parties.

Building widespread awareness on the part of the general public regarding hazards, preparedness, and mitigation.

Building awareness in targeted groups regarding hazards, preparedness, and mitigation.

Major accomplishments of this period, in conjunction with the partnerships forged, include the following:

- 1. County of Kauai Multi-Hazard Mitigation Strategy and County of Kauai Natural Hazard Risk and Vulnerability Assessment and Mitigation Workbook.** CZM Hawaii was part of the Project Impact Steering & Advisory Committee behind the development of the Strategy, as well as a major provider of funding for the Strategy. The Strategy is among the first approved by the Federal Emergency Management Agency (FEMA) as meeting the requirements of the

Disaster Mitigation Act of 2000 for local mitigation plans and is being used as a model for other counties. This ensures that Kauai County will be eligible for funding to mitigate natural hazards and to apply for various assistance programs in the event of a disaster. A workbook on the development of Risk and Vulnerability Assessments was also developed under the contract providing funding to the County of Kauai.

2. *State Lava Flow Hazard Mitigation Plan.* CZM Hawaii was part of the State Lava Flow Mitigation Technical Committee which produced this Plan. Portions of the Plan dealing with land use issues were drafted by CZM Hawaii. The Plan was approved by the Governor in December 2002. Currently, CZM Hawaii is working with State Civil Defense to determine the County of Hawaii's readiness to explore land use planning and management as a way to mitigate damages from lava flows.

3. *County of Hawaii Natural Hazards Mitigation Plan.* CZM Hawaii provided funding for the development of this Plan, which is before FEMA for courtesy review. CZM Hawaii also provided funding for acquisition of one-meter pan-sharpened (color) and four-meter multispectral IKONOS satellite imagery for the County of Hawaii for hazard mitigation purposes. Purchase of this imagery allowed the County of Hawaii to become a member in the Hawaii IKONOS Consortium and have access to additional IKONOS imagery purchased by other Consortium partners.

4. *Earthquake Loss Estimation Data Products.* CZM Hawaii funded the development of earthquake risk information data products covering the Islands of Hawaii and Maui. These products were developed by performing HAZUS modeling runs with updated County of Hawaii and County of Maui building inventories, and determining the effect of regional site seismic amplification caused by known soil profile types. These data products will provide a solid base for an educational workshop planned for early 2005 for County of Hawaii building officials and decision makers.

5. *Outreach and Educational Products on Natural Hazards in Hawaii.* CZM Hawaii, in conjunction with a professional design team, developed two sets of natural hazard icons for use on CZM Hawaii-produced hazard products. The designs complement the CZM Hawaii logo and build upon the branding strategy developed in 2000-2001. Each set is comprised of nine individual icons – representing the nine hazards of lava flow, tsunami, earthquake, hurricane, flood, coastal erosion, landslide, wildfire, and drought. Three products were developed over this evaluation period: natural hazard wheels, rulers, and a series of nine bookmarks, each representing a different hazard. These products have been warmly received by all segments of the community. Educators, hospitals, hotels, the American Red Cross, the Army National Guard, and the National Weather Service are a sampling of groups who have requested large quantities of these products to use in their in-house training and educational efforts. Also, large quantities of the products are shared with partners in order to lessen duplication of development efforts. Interactive natural hazards display boards were also designed for exhibit at community events and have been used successfully statewide.

6. *Third Party Review Code Amendment Proposal.* In April and May 2004, CZM Hawaii, in conjunction with the Hawaii State Earthquake Advisory Committee, researched and

drafted amendments to the County of Hawaii building code to provide for qualified third party review of building documentation. The purpose of the amendments is to allow for an expedited review of building permit documentation by qualified persons. The amendments provide standards and procedures to establish consistency, proper review, and safe building practices. The amendments were endorsed by the Structural Engineers Association of Hawaii and presented to the Hawaii Association of County Building Officials (HACBO) at their May 2004 conference. The building departments of all four counties of the State of Hawaii are included in the membership of HACBO. The County of Kauai and the City and County of Honolulu have also expressed an interest in the third party review process. It was submitted to the County of Hawaii via the Vice Director of State Civil Defense as part of the Uniform Building Code 1997 and International Building Code 2000 (seismic) Amendment Package.

7. *Mitigation for Emergency Managers and Business Continuity Workshop.* In July 2003, Hawaii State Civil Defense and CZM Hawaii held a two-day hazard mitigation workshop and one-day business continuity workshop on the Island of Oahu. The workshop included units on key components of hazard mitigation, including the hazard analysis process, hazard mitigation strategies, responsibilities and resources, building a hazard mitigation program, and developing, implementing, and updating a business continuity plan. CZM Hawaii supported travel costs to bring partners from American Samoa, the Commonwealth of the Northern Mariana Islands, and Guam to attend the workshops. This was funded in part through a special Pacific Island grant from the Coastal Services Center.

8. *Tsunami Workshops.* From January through March 2004, CZM Hawaii worked as a member of the Public Affairs Working Group of the Tsunami Technical Review Committee to plan and execute a workshop to train the media and hotel security and management on Oahu on proper response during a tsunami event. The workshop was held in March 2004. CZM Hawaii developed nine large display boards of photos and descriptions that captured the essence of the destruction and havoc that tsunamis bring to bear on the State. A modified version of this workshop was presented to the Waikiki community in June 2004, in partnership with local state legislators. Both events were featured on evening television newscasts and the March 2004 event was the subject of newspaper articles. The display boards were used at the Pacific Tsunami Museum's fundraiser in April 2004 and were again featured on the evening television news.

9. *Federal Hazard Mitigation Partners in the Pacific Islands.* CZM Hawaii participated in the 2003 and 2004 Roundtables and served on the organizing committee for this initiative of the Pacific Services Center. The Roundtable brings together representatives for Pacific Island agencies, institutions, and organizations involved in hazard-related projects and activities conducted at the federal level. The 2004 Roundtable established a Regional Coordinating Council to support ongoing dialogue amongst the partners and to support capacity-building by serving as a conduit for technical expertise, assistance, and training.

10. *Second Tsunami Symposium.* CZM Hawaii co-sponsored this conference of international, national, and local tsunami scientists in May 2002.

11. *Cities on Volcanoes 3.* CZM Hawaii co-sponsored this international conference on volcanic hazards and mitigation planning, held in July 2003 in Hilo, Hawaii. At this conference,

CZM Hawaii made a presentation on land use planning as a mitigation measure for lava flow hazards.

B) Outreach and Education Activities.

Public outreach is an ongoing activity that has been identified as a priority for CZM Hawaii. As such, staff members have been active participants in many organizations, events and conferences in Hawaii and abroad, educating audiences about the role coastal zone management plays in their lives. Specific activities and projects include:

1. Cruise Ship Industry. In response to the growth in Hawaii's cruise ship industry, CZM Hawaii facilitated meetings among government agencies, private sector industry, environmental organizations, native Hawaiian interests, and members of the general public to address concerns about the cruise ship industry and to determine a mutually beneficial means to insure that environmental concerns and standards were met. Although several meetings were held to facilitate these discussions, the cruise ship industry lobbied the former State administration which resulted in the ratification of a Memorandum of Understanding (MOU) which requires voluntary compliance similar to Florida's MOU. Under the annually renewed MOU, the Department of Health is currently the lead and is responsible for overseeing any reported violations under the MOU. CZM Hawaii continues to be engaged in meetings and discussions regarding this issue.

2. Get the Drift and Bag It! Since 1984, CZM Hawaii has participated in "Get the Drift and Bag It!" Hawaii's contribution to the International Coastal Cleanup sponsored by The Ocean Conservancy. The statewide cleanup is now coordinated by the UH Sea Grant Extension Service and is supported by CZM Hawaii now acting as a sponsor for the effort. The statewide cleanup results in the removal of thousands of pounds of debris collected from Hawaii's shorelines, underwater, streams and a bicycle path, all collected by volunteers statewide.

3. Hawaii Ocean Safety Team (HOST). *CZM Hawaii is an active participant in HOST. HOST's mission is to provide an open forum for government and industry to identify problems and propose solutions to today's maritime issues. The focus is on the human element, identifying root causes of marine casualties. The group develops and agrees upon Standard Operating Procedures when necessary to provide for effective and efficient operations and evaluations.*

4. Ballast Water and Hull Fouling Meetings. *CZM Hawaii continues to support the Department of Land and Natural Resources (DLNR) efforts on this project. DLNR facilitated task force meetings to finalize the draft administrative rules for the ballast water component of the project and continued the discussion on the hull fouling component.*

5. Web Page, Display and Newsletter. *CZM Hawaii worked with a design consultant to produce displays and brochures and to give a face-lift to the web page, giving a unified look and flow of information to all the materials. The materials feature a traditional*

and comprehensive concept of management and a user-friendly introduction to the program. The web page provides invaluable information about CZM Hawaii and its partners. Interested parties can access the web page at the following URL: www.czmhawaii.com. CZM Hawaii travels throughout the state with its tabletop display. The panels on the display can be modified to reflect the different topic areas of the program

6. Miscellaneous Outreach & Education. CZM Hawaii has helped to develop the following outreach & education materials:

- Hawaii Environmental Education Resource Guide. This guide was created as a service to the community to promote networking among environmental educators, resource people, students, and the public.*
- Kikaida Environmental Coloring Book.*
- In the Clear Blue Sea Tour. Ohia Productions is an educational not-for-profit organization established to provide creative, educational and inspirational theatrical experiences to Hawaii's children and families. They seek to develop creativity and self-expression in Hawaii's school children while promoting cultural and environmental awareness and education. This original production explores life in the coral reef and illustrates the need to maintain the delicate balance of the ocean's food chain. Endangered species such as the Pacific Green Sea Turtle and the rare Pacific Hawksbill Turtle are featured. The production was brought to thousands of children in 2002/2003.*
- Beneath the Ocean Blue Tour. This original Ohia production explores the ocean's depths to take a closer look at the fascinating creatures that make their home in Hawaii's ocean. Students learn about the problem of over fishing and features marine mammals such as the endangered Hawaiian monk seal, humpback whales and spinner dolphins. This production also discusses the important role sharks play in the ocean food chain. The production was also brought to thousands of children in 2003/2004.*
- Beneath the Ocean Blue video was paid in part through CZM Hawaii grant funds.*
- A wetlands web-based curriculum is being developed in partnership with Ducks Unlimited.*
- Reef Detectives. The Hawaii Department of Education developed and aired 12 TV broadcast programs structured as field trips, introducing students to coral reef ecosystems. A standards-based teacher guide was produced that included background information on the series as well as suggested class activities, research projects, and written and oral presentation topics.*

7.

Workshops, Conferences & Informational Fairs. CZM Hawaii assisted its partners through

sponsorship and collaboration on conferences and workshops while educating audiences about issues in the coastal zone. Examples of this are as follows:

- *United Nations Association Student Water Forum “The Water Crisis: The Future Key to Peace or War.”*
- *National Marine Sanctuaries Dive Into Education Teachers’ Workshop*
- *Pacific Congress on Marine Science and Technology (PACON)*
- *DOE Student Watershed Symposium*
- *NOAA CSC “Navigating Rough Seas: Public Issues and Conflict Management Workshop”*
- *Kauai Family Ocean Fair*
- *Earth Day Hawaii Community College*
- *Punana Leo o Kawaihae on the grounds of the Bishop Museum*
- *Marine Education Night*
- *Ala Wai Watershed Event*
- *Molokai Earth Day*
- *Children & Youth Day*

C)

Consideration of Traditional Hawaiian Values, Native Hawaiian Access and State Local Cooperation and Coordination.

A significant service provided by CZM Hawaii was cited by many as the integration and incorporation of traditional values within the ongoing work of coastal management. This goes beyond the Native Hawaiian Access Project discussed above to the core of all planning and outreach efforts. As a policy challenge it has become necessary to address traditional and customary Hawaiian rights. Increasingly, Native Hawaiians are turning to the courts for redress of issues like the rights of shoreline access for traditional cultural practices, and for the resolution of longstanding ownership disputes. Sea Grant participants noted that cultural incorporation of values to projects has a significant impact on the community, both in understanding the importance of a project and in overall acceptance of a project. The integration of traditional values to hazards issues and watershed management was identified as significant to that efforts progress.

On August 31, 1995, the Hawaii Supreme Court issued its decision in Public Access Shoreline Hawaii (P.A.S.H.) vs. County of Hawaii Planning Commission, commonly known as the PASH decision. The decision established that the plaintiffs had standing to intervene and present evidence before the County of Hawaii Planning Commission in a contested case proceeding with respect to their rights to exercise traditional and customary practices. The opinion, based on the application of the Hawaii Coastal Zone Management Act, Hawaii Revised Statutes Chapter 205A-4, Section 4 and policies addressing customary and traditional practice, comments at length on the scope and nature of constitutional and statutory access and gathering rights of Native Hawaiians.

CZM Hawaii funded the Native Hawaiian Access Rights Project to assist in the

development of statewide practical and appropriate Special Management Area (SMA) permit procedures and possible legislation to address the PASH decision regarding customary and traditional access rights. This project also attempted to fulfill the need for programmatic efforts to clarify and address the implications of the PASH decision with respect to the Hawaii Coastal Zone Management Act and the Special Management Area (SMA) permitting process on the County level.

Phase I, the compilation and indexing of documents, maps, databases and other sources regarding coastal resources used for traditional Hawaiian subsistence and cultural practices was completed in 1998. Phase II, completed in 2000 was a pilot project with the County of Kauai and the Kauai Historic Preservation Review Committee to test the effectiveness of the data, maps and information gathered in Phase I. The County provided a list of 48 key individuals (Kupunas) knowledgeable in traditional Hawaiian practices. The information provided by the Kupunas became the basis for the recommendations to CZM Hawaii and the Kauai Planning Department regarding the SMA rules and regulations, maintaining a database, reviewing community permit and staffing requirements in order to comply with the Supreme Court ruling on the PASH decision.

Phase III was completed December 2002. The University of Hawaii consultants conducted four statewide focus group meetings regarding the SMA permitting process with the four County Planning Departments, Hawaiian community practitioners, landowners, developers, the Office of Hawaiian Affairs (OHA), and the 1996 Public Access Shoreline Hawaii Rights Study Group. A final report contained recommendations and guidelines for a community based planning process that identified stakeholders and cultural resources that could potentially assist the counties and the State in addressing traditional and customary access rights for native Hawaiians. This report was provided to all participants. The findings were presented to the MACZAC (see IV. Program Accomplishments, I) in January 2003. This multi-year task is a good illustration of the ability of the CZM Hawaii Program to bring together all interested parties to address the implications of the Supreme Court ruling on the PASH decision for the CZM Hawaii Program and the county SMA permit procedures.

Throughout the site visit meetings with local governments, it was clear that there is a strong tie between CZM Hawaii and the appropriate local agencies and that those agencies rely heavily on the support of CZM Hawaii staff and funding. CZM Hawaii staff is assigned to each county as a liaison between the county and the CZM Hawaii Program. These county liaisons provide a direct link to the counties and have frequent personal contact with each county. Liaisons are also responsible for conveying information to the counties on CZM Hawaii matters at the state and national level. County meetings and periodic site visits are conducted to identify emerging issues and opportunities, verify compliance with permit conditions, and explore and assess potential violations. Through both interaction and monitoring of CZM Hawaii partner agencies the compliance program can identify and address issues.

In addition to the provision of information and ensuring compliance, the liaison function is also stressed. The liaison is a direct contact into the CZM Hawaii office and facilitates the provision of technical assistance, access to information and data, and the provision of support for meetings, conferences and other forms of access by the public. It is the location of CZM

Hawaii within the State government that makes this possible, as it carries out its role of coordination within and among the networked State agencies as it does with the counties.

D)

Consistency Reviews.

CZM Hawaii monitors the actions undertaken by partner agencies on various types of permit applications and implementation of CZM Hawaii-related rules and regulations for compliance with Program objectives and policies. Actual enforcement of the CZM Hawaii enforceable policies is the responsibility of the respective administering State and County agencies. A CZM Hawaii staff person is assigned to each county to serve as a liaison. County liaisons provide a direct link to the counties and allow for frequent personal contact with each county. Liaisons are also responsible for conveying information to the counties on CZM Hawaii matters at the State and National level. County meetings and periodic site visits are conducted to identify emerging issues and opportunities, verify compliance with permit conditions, and explore and assess potential violations.

Beginning in July 2001, and continuing on a quarterly basis, CZM Hawaii has been hosting regular meetings of the four county planning directors and their staff to discuss Program implementation and compliance issues. Meetings have proved to be valuable to all the counties. The county planning directors are encouraged to use the meetings as a forum to share ideas and get feedback on various topics related to CZM, Special Management Areas and various county planning issues.

The compliance program also involves a continual assessment of the CZM statute, Chapter 205A, HRS, and its objectives and policies, which can result in legislative changes. For example, the Shoreline Certification Working Group of the CZM Marine and Coastal Zone Advocacy Council (MACZAC) was established in the fall of 2002 for the purpose of improving the shoreline certification process. The group met throughout 2003 with a goal of submitting legislation to better define the shoreline and improve the certification process. The Shoreline Certification Working Group was successful in introducing legislation in the 2004 Hawaii Legislature. Although the proposed measures did not pass, the working group plans to continue its mission.

Another example is the Coastal Parking Access Working Group of the MACZAC. This working group is providing a resource by identifying existing coastal parking access on maps that are distributed to State and County agencies. The intended purpose of the maps is to prevent elimination of existing coastal parking access from government projects such as road widening and repaving. Identification and mapping of existing coastal parking access has been completed for Oahu and is currently in progress for Maui.

Information acquired through the compliance program is shared with other agencies to help them with their CZM Hawaii-related responsibilities and to coordinate overlapping agency activities. Public inquiries and concerns that are called into the CZM Hawaii office and corresponding actions taken by CZM Hawaii are logged. Keeping a record of public concerns

enables the Program to monitor and assess issues. Dealing directly with the public provides the opportunity to clearly define CZM Hawaii's compliance role to the public and to foster increased understanding of the issues of public concern.

The CZM Hawaii Federal consistency program emphasizes proactive management through coordination, facilitation and multi-agency partnerships. CZM Hawaii conducted its own Federal Consistency Workshop for the Naval Facilities Engineering Command, Pacific Division on April 21, 2003. The workshop provided information on the Coastal Zone Management Act Federal Consistency requirements to the 35 participants. The workshop included: (1) providing a basic understanding of the CZM Hawaii Program, (2) providing a general overview of Federal Consistency, and (3) providing an in-depth walk through of requirements, regulations and procedures of Federal Consistency in Hawaii. A CZM Hawaii Federal Consistency workbook was developed specifically for this workshop.

E)

Program Credibility and Regional Leadership.

CZM Hawaii has developed a rapport with regional and local governments, groups and individuals such that other agencies work closely with CZM Hawaii to collectively "present a strong public image"¹ in support of appropriate development, use and protection of Hawaii's coastal resources. It was noted on more than one occasion that those involved in coastal management at the federal, state and local levels feel they "are a family"² in their coordination and communication. In Honolulu and on Oahu "CZM assistance has developed a trust between agencies"³ and allows all to excel. This feeling is shared by the other local governments.

Central to this is the collaborative nature of how the Program works with Federal, State, Regional and local agencies, private groups, and the general public. During one meeting discussion turned to cross cutting activities between offices and an offer from a federally funded agency to provide an individual to expand cooperation and partnership between CZM Hawaii and the agency. The Director of DLNR noted that "CZM Hawaii can serve as an example of how to facilitate interaction within government. County support is 'impressive' and DLNR is looking to copy this as a model."⁴ Central to this quality is what one identified as the high degree of "trust" CZM Hawaii has at the local levels. Working with CZM Hawaii on a joint project conveys that trust to the cooperating agency so the end result has wide support and credibility.

¹Conversation with Public Interest Group members in formal meetings related to the evaluation of CZM Hawaii, Tuesday, August 23, 2004.

² Ibid.

³ Conversation with City and County of Honolulu Planning Department staff in formal meetings related to the evaluation of CZM Hawaii, Tuesday, August 23, 2004.

⁴ Conversation with the Director of Land and Natural Resources and staff in formal meetings related to the evaluation of CZM Hawaii, Monday, August 22, 2004.

F)

Geographic Information System (GIS) Initiatives.

The Hawaii Statewide Geographic Information Systems (GIS) Program, also within the State Office of Planning, is a multi-agency effort to establish and promote the use of GIS technology in the Hawaii State Government. One of the primary goals of the State GIS Program is to improve the overall efficiency and effectiveness in government decision-making through the development, maintenance, and sharing of database applications via GIS mapping technologies. CZM Hawaii is presently working with the State GIS Program (through funding, coordination, and staffing) to acquire existing GIS data, convert primary data gathered on Hawaii for mapping, and produce mapping analyses and products. The assistance provided by the GIS Program will enhance CZM Hawaii's ability to better assess and manage coastal zone related activities, such as coral reef identification and protection, coastal erosion mitigation, non-point source pollution control, natural hazards mitigation, and ocean resources identification and management.

CZM Hawaii is currently involved in several GIS-related projects and programs. Data acquisition and partnership projects include membership in the Pacific Islands IKONOS Data Purchase Consortium, and purchase of Quickbird satellite and LIDAR imagery. The acquisition of the Quickbird satellite imagery provides a higher resolution for more detailed land analysis and allows the CZM Program to fill vital imagery gaps for important watershed areas. The LIDAR acquisition, coordinated with the Maui County Planning Department, is used for a number of applications across several agencies. Of particular interest to CZM Hawaii is the development of flood hazard and tsunami inundation zone maps.

CZM Hawaii houses the State's Islands Technical Assistant, who works closely with the GIS Program in developing a Hawaii Coastal Atlas and the Waianae Ecological Characterization (discussed below). The Hawaii Coastal Atlas will assist state lawmakers, government officials, and the public in their land and resource management decision-making efforts. These maps will display themes commonly requested from the GIS Program, often related to issues surrounding rapidly developing areas of the state.

G)

Collaboration With Federal Agencies.

CZM Hawaii has worked closely with Federal programs and Federally funded programs throughout the review period. In this capacity the work of the NOAA Pacific Services Center (PSC), NOAA Coastal Services Center (CSC), Sea Grant, the East West Center, and the Hawaiian Islands Humpback Whale National Marine Sanctuary has been amplified as has the mission of CZM Hawaii. CZM Hawaii aided in bringing training from CSC to the Pacific. CZM Hawaii acted as the host for the Navigating Rough Seas conflict resolution training by taking care of the set-up and managing the details. Also, Volunteer Coordination Training and Project Design and Evaluation program involvement occurred. The Waianae Ecological Characterization Project is another example of coordination and CSC support for CZM Hawaii. CSC also supported the CZM Hawaii hazard mitigation efforts. Overall, the

interaction between the CZM Hawaii and CSC provides positive incentives for both and is mutually advantageous. It can be anticipated that this strong tie will continue to grow in future years.

Sea Grant uses CZM Hawaii products in its classroom work and worked jointly with CZM Hawaii on the Science and Technology Conference. CZM Hawaii funding is used to place students in agency jobs for practical experience and to test the interest of the student in the profession. There is also close cooperation between the two programs in their outreach efforts. With the Humpback Whale National Marine Sanctuary, CZM Hawaii published a 16 page insert in the Honolulu Advertiser on the activities and intricacies of the Sanctuary and its program. The success of this effort was documented by the number of papers purchased and the number of missing inserts of the papers left at the point of sale. Another 24 page joint insert, with several pages devoted to CZM Hawaii issues is currently planned.

H)

The Marine and Coastal Zone Advocacy Council (MACZAC).

In 2001 under Act 169, the Hawaii State Legislature established the Marine and Coastal Zone Advocacy Council (MACZAC), a citizens-only advocacy group. Prior to this, CZM Hawaii maintained an advisory council composed of government agencies, with few non-government representatives. This change in membership better represented the public interest and created an effective partnership to advocate for the appropriate management of Hawaii's coastal resources.

The twelve members of the MACZAC were recruited from the Islands of Kauai, Oahu, Maui, Molokai, Lanai, and Hawaii, and from various interest groups. The members have diverse backgrounds in business, environment, practitioners of native Hawaiian interest, terrestrial and marine commerce, recreation, research, and tourism. Since only five of the six existing Marine and Coastal Zone Management Advisory Group (MACZMAG) non-governmental members agreed to serve on the new MACZAC citizen advisory group, CZM Hawaii staff conducted an extensive statewide recruitment for the remaining seven new members. It is important to note that MACZAC is an Advocacy Council, not an advisory council, which is consistent with the mandate to "advocate, provide for, and act upon citizen input (Act 169). It held its initial meeting in December 2001. In 2002, MACZAC adopted a mission statement, developed short, and long-term goals, and discussed working group assignments. In addition, MACZAC chose a Hawaiian name – Ke Kahu O Na Kumu Wai, which means Keepers of the Sources of Water. In order to listen to community coastal issues, MACZAC meetings were held on the islands of Oahu, Maui and Hawaii. MACZAC's intent is not to take a position specific to individual projects, but to address specific Council concerns on issues with broader statewide implications such as public access, ocean and coastal resources management, coastal erosion, water quality, shoreline setback, and user conflicts. Also while listening to project specific concerns at the local level, MACZAC is trying to detect patterns of activity or non-activity that affect the coastal environment.

In 2002, the newly formed Council immersed itself in the diverse ocean and coastal

issues facing Hawaii's communities by creating and maintaining new working groups to address priority Council issues. In 2003, MACZAC faced new issues concerning proposed legislation to transfer the Office of Planning (OP) to DLNR, Native Hawaiian Access Rights, as well as focusing on shoreline certification issues. In response to the transferring of OP to DLNR, several council members indicated that CZM Hawaii and DLNR have different mandates and responsibilities, thus it is important for CZM Hawaii to maintain an independence which allows CZM Hawaii to get all necessary people and agencies to the table to work on a variety of coastal issues. In 2004, the first MACZAC meeting of the year coincided with the opening day of the Hawaii State Legislature so that members could meet with their legislators at the beginning of the session.

***I)
International Coastal Management.***

CZM Hawaii supported a seminar effort with a consortium of Hawaiian companies using USAID funds directed toward the export of product, capabilities, concepts and expertise to Pacific Rim nations, in an effort to bolster a sagging State economy and to build demand for Hawaiian services and products. While there was an element of tourism involved, the seminar was directed toward what could be taken to a new location and put to use in a foreign environment. A relatively new initiative and direction for the Program, the consideration of Pacific coastal zone management is the goal.

***J)
Ecological Characterization.***

The Waianae Ecological Characterization (WEC) is a tool being developed as part of the CZM Hawaii's efforts to develop a management framework for the Waianae community in west Oahu. It will be an interactive CD-ROM with information and planning tools for community leaders, educators, researchers, partnering agencies, and other stakeholders and interested parties. An Assistant of the Pacific Islands Technical Assistantship program is currently developing the spatial component of the WEC, which will contain GIS data layers specific to Waianae, GIS tutorials, and tools to demonstrate the impacts of new development and land use changes on natural and cultural resources.

The Pacific Islands Technical Assistantship program sponsored by the NOAA Coastal Services Center focuses on building capacity for the Pacific coastal management agencies, created four on-site, two-year positions to serve the Territories of American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the State of Hawaii. The program is now in its second iteration. The Assistant in Hawaii is housed with the Office of Planning working with the CZM Hawaii and Geographic Information Systems (GIS) Programs.

V. REVIEW FINDINGS AND RECOMMENDATIONS

The Office of Ocean and Coastal Resource Management (OCRM) finds that CZM Hawaii is adhering to its approved coastal management program; implementing and enforcing the HCZMP in a satisfactory manner; and adhering to the programmatic terms of the NOAA financial assistance awards. The State continues to address national coastal management needs identified in CZMA Section 303 (2) (A) through (K). The previous evaluation of Hawaii's performance in implementing the HCZMP resulted in one (1) necessary action and nine (9) program suggestions. (See Appendix D for a discussion of each finding, recommendation, and response, and for reference to the response within this document where appropriate.)

A) Program Implementation Leadership.

The organizational structure of the CZM Hawaii Program has been a major issue during the review period. In 2003, legislation was proposed which would move CZM Hawaii from DBEDT to DLNR. This legislation did not pass out of the Legislature. In May 2003, the Governor issued a letter directing DLNR and CZM Hawaii to work together and the Office of Planning was to report to and consult with the DLNR. The Legislature passed Senate Bill 3025 that required the Office of Planning to report directly to DBEDT, reaffirming the current organizational structure and clarified that DBEDT had sole jurisdiction over the Office of Planning. The Governor vetoed this bill stating that the Office of Planning's major statutory responsibilities in land use planning, coastal zone management and geographic information systems are not consistent with DBEDT and compliment DLNR core functions of land management and protection of resources.

The Governor's directive is at odds with the CZM Hawaii Program established by State law and approved by the Secretary of Commerce. The CZM Hawaii Program is Federally approved within the organizational structure of the Office of Planning, DBEDT and is tasked with the lead role of overall implementation of the network of laws, regulations and policies that make up the CZM Hawaii Program.

Reduced coordination between DLNR and CZM Hawaii was a factor in not fulfilling the Necessary Action of the previous evaluation concerning the need to improve SMA compliance and the development of local planning. (See Appendix D, Response to the Previous Findings Number 2 for the text of the recommendation.) While CZM Hawaii is beginning to work on this requirement, the deadline requirements of the findings have not been met. In part this was because of DLNR managerial requirements placed on requests for proposals and contracting funds had to be reprogrammed for the project. As of August 2004 a contract was let for \$80,000 with initial work to begin in September.

NECESSARY ACTION

1)

The gubernatorial letter of May 2003 directing the Office of Planning to answer to the Chairperson of DLNR is not clearly supported by State law and is inconsistent with the organizational structure of the CZM Hawaii Program approved by NOAA. The State must resolve this issue either by formally submitting a program change, with adequate legal justification to support such a reassignment of responsibility, or the State can appoint a new director of the Office of Planning, who can meet the responsibly of leading the CZM Hawaii Program.

Follow-up: In May 2005 the Office of Planning Director, the Administrator and the Program Manager held a conference call with OCRM. At that time a letter was requested from the Governor identifying the Office of Planning as the lead agency for the CZM Hawaii Program. Later that month a letter, using the exact wording requested by OCRM was sent by the Governor to satisfy this Necessary Action.

2)

CZM Hawaii needs to complete the necessary action from the previous evaluation, addressing the need to improve the enforcement of local SMA programs, on an expedited schedule. This schedule must be provided to NOAA OCRM within six months of the receipt of the final findings. Furthermore, CZM Hawaii is to develop a strategy to assure open communication between and among all networked partners within a year of the receipt of final findings.

Follow-up: This requires the necessary action from the previous evaluation, specifically the Special Management Area (SMA) study, to be completed on an expedited schedule. In particular, it requires the Office of Planning to submit a schedule for completing the project within six months of receiving the final evaluation findings and a strategy to assure open communication between and among all networked partners within a year of receiving the final findings, a new requirement. CZM Hawaii has been working with the county SMA agencies toward satisfying the provisions of the Necessary Action.

B)

Human Resources

The previous evaluation of CZM Hawaii had several Program Suggestions which dealt with human resources: identification of specific needed positions; identification and securing of funding; and recruitment. Also, as a result of an increased awareness of the CZM Hawaii Program, local governments and the community in general have become increasingly more comfortable with respect to contacting CZM Hawaii with requests for technical support and advice. This has resulted in increased responsibilities and staff time to research, analyze, and address concerns of the public. While positions have been defined and funding has been identified, administrative problems have resulted in not filling the jobs identified (outreach and education; compliance officer; staff biologist/environmental specialist). Because of restrictive State personnel practices, CZM Hawaii cannot hire a planner who has been effectively carrying out the responsibilities of an advertised position because the individual does not meet the defined education requirements advertised in the recruitment. Alternative hiring is one

solution, and redefinition of the job requirements is another.

Likewise, CZM Hawaii needs to look at emerging needs for human resources development and allocation. For instance, in watershed management, where a great deal of work is occurring, the work is not well coordinated. On one level there is a need for an active network or partnership to deal with the associated issues; on another, there needs to be an active partnership created on the specific watersheds. There is also a need to get government agencies to work together from a total watershed perspective. Currently authorities look at watersheds from a resource area perspective such as beach and near coastal, central, and upland mountain areas. Perhaps a Watershed Coordinator position needs to be created which would coordinate all activities for a specific watershed. It is noted that such a position need not be State, it could be Federal, Non-profit, or local, and should be allowed the latitude to expand considerations beyond just the regulatory, but to outreach, education and constituency building.

PROGRAM SUGGESTION

- 3)
CZM Hawaii should look at alternative hiring practices as a potential mechanism to fill existing staff vacancies as it works within the State personnel practices framework to facilitate staff recruitment. In concert with this activity, CZM Hawaii is encouraged to look at other personnel needs to facilitate coordination of CZM Hawaii management practices where they are merited.

Follow-up: CZM Hawaii agrees with the thrust of this suggestion and has already been considering hiring approaches similar to those in the suggestion and will continue to do so to acquire CZM Hawaii staff resources.

C) Regional Leadership.

The discussions of Section IV, Program Accomplishments indicate a high level of regional coordination and cooperation attributable to the CZM Hawaii. Though the Program is commended for its leadership in this area, it is recognized that in a region as large and diverse as that of Hawaii comprehensiveness of approach is difficult to define. Likewise, administrative stresses dealing with organizational location, procedural hurdles to contracting and recruitment and issues involving other managerial functions can, and do, affect progress on the wider picture of a region. While CZM Hawaii's current efforts in regional leadership are recognized and applauded by the counties and Federal agencies with which it works, it is important that it not be derailed from the larger perspective by more localized concerns.

PROGRAM SUGGESTION

- 4)
CZM Hawaii should maintain its emphasis on regional coordination and, as the lead

for the synchronization of efforts under CZM Hawaii, should continue its high degree of leadership in these efforts.

Follow-up: CZM Hawaii will give this suggestion serious consideration.

D)

Shoreline Certification.

The shoreline certification process which identifies where the beach gives way to upland is carried out by DLNR. The process was mentioned in one of the program suggestions of the last evaluation and remains an issue. At that time CZM Hawaii was urged to work with the appropriate agencies and groups "...to obtain necessary resources to develop and acquire scientifically-based shoreline data to determine changes to strengthen the CZM Law's shoreline setback provisions..."⁵ Work carried out during the review period in Maui County alone to address this suggestion included: working with coastal erosion rates which were adopted into codes; establishing shoreline setbacks predicated on the coastal erosion study; conducting a full access inventory; creating and placing new access signs; and, inventorying all sea walls in the county into a GIS format. This allowed the County to understand where they are and what they look like.

However, the issue of shoreline definition remains. The current definition is predicated on the location of vegetation to define where the setback should be located. In this way shoreline plant species tolerant of salt water can be planted in front of the true species boundary, thus moving a setback line seaward of an appropriate location. Essentially the definition is then by a State surveyor who is not looking at the high water mark, but at the vegetation which can be manipulated to an area below the high water mark. Although this is a DLNR responsibility, Hawaii CZM can play a significant role. Absent scientific agreement, one technique would be to bring knowledgeable scientists together to develop a consensus on how best to establish and implement a setback line.

PROGRAM SUGGESTION

5)

CZM Hawaii should work with DLNR to develop a scientifically-based shoreline definition process.

Follow-up: CZM Hawaii intends to assist DLNR in the development of a more scientific based definition of the shoreline, which is critical in defining public trust and shoreline setback areas. In 2005, the Legislature adopted Senate Concurrent Resolution 51 which calls on DLNR to establish a working group, including the CZM Program, to explore opportunities to improve the shoreline certification provisions. Meetings have begun with DLNR and other

⁵ Final Evaluation Findings for the Coastal Zone Management Program for Hawaii December 1997 Through October 2001, Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, page 38.

agencies about how best to proceed in accomplishing the legislative request. In addition, the CZM Program has taken the lead role in developing alternatives and opportunities for shoreline setback provisions. CZM funds have enabled Maui to develop scientific shoreline erosion data that resulted in significant changes in the county's setback and development standards. At present, CZM funds are supporting the County of Kauai and the City and County of Honolulu in similar projects.

E)

Strategic Direction/Strategic Planning.

The previous evaluation suggested that CZM Hawaii "take the lead in developing a Strategic Plan...to establish a shared vision and strategic directions for priority issues...over the next 5 years." The work of CZM Hawaii in developing strategic considerations, such as the hazard mitigation accomplishments highlighted in the preceding section of these findings, is a good first step in this process. The strategic considerations provide the basis for the more rigorous strategic planning initiative envisaged in the earlier suggestion.

PROGRAM SUGGESTION

6)

CZM Hawaii is encouraged to pursue a rigorous strategic planning effort with the support of the networked State agencies, the Counties, appropriate interested groups and the public.

Follow-up: To meet this suggestion, CZM Hawaii has been discussing the direction that should be taken and views an effort to influence the design of the rural land use district to both protect and enhance CZM interests as a strategic opportunity to promote the CZM program which will require working with the parties described in the suggestion. Using the Section 309 program, in 2005 CZM Hawaii will complete the assessment and strategy for its implementation over the next five years. In addition, strategic recommendations in updating the Ocean Resources Management Plan are anticipated. This multi-year work plan will be able to satisfy the suggestion.

F)

Public Information and Involvement.

Implementation activities of the counties' coastal programs are encouraged and supported. CZM Hawaii has an outstanding record of accomplishment in this regard; the accomplishments cited in this document testify to this. However, there are two Gubernatorial Directives regarding "advertising" which affect press notices as well as education and outreach. This goes beyond publication of outreach materials such as educational supplements to local newspapers, to publication of public notices and public meetings. Directive 1 provides for no advertising without the Governor's Educational Office approval (such as display advertisements), which is required, in part, to assure that the message put forth is consistent

with the Governor's policies. Directive 2 prevents the addition of advertising as a part of a contract (such as a contract to provide education or outreach on a specific issue or set of issues). The problem here is that education and outreach are often activities required as part of contracting with Federal CZMA funds. Furthermore, as noted above, education and outreach activities are encouraged, if not are central to coastal management program activities.

The 16 page insert in the Honolulu Advertiser produced jointly with the Humpback Whale National Marine Sanctuary (NMS) was noted in the accomplishments section of this report. Currently there are plans to produce an even larger insert with several pages devoted specifically to CZM Hawaii. The Directives affect CZM Hawaii and the Humpback Whale NMS because the proposed insert falls within the definition of advertising.

PROGRAM SUGGESTION

7)

CZM Hawaii is encouraged to work with the Governor's Education Office to facilitate ongoing CZM Hawaii education and outreach activities both in support of actions required as a part of use of Federal CZMA funding and in support of other Programmatic initiatives.

Follow-up: CZM Hawaii notes that there is no Governor's Education Office. However, on August 3, 2004, the Governor issued an executive memorandum encouraging cabinet members to help maximize the effectiveness of effort and spending on public relations and related material by (1) continued coordination of news releases, public relations campaigns, and advertising through the Governor's Office of Communications, and (2) eliminate the "tacking on" of public relations, community relations, advertising, or marketing components in requests for proposals for any and all projects. It is perhaps this latter point that was misconstrued as a restriction on promoting public relations materials.

G)

Coordination and Communication.

One of the strengths of CZM Hawaii is the role it plays as a mechanism for coastal coordination and communication within the complex structure of agencies and groups involved with preservation and use of the State's coastal resources. It is important that CZM Hawaii continue to provide existing levels of support. Significant efforts for ongoing support include, but are not limited to, coastal erosion, watershed management and coral reefs.

Recently a group composed of Federal, State, and local officials; the general public; the University of Hawaii; and consultants has met together to cooperatively look at and document coastal erosion. The goal is to develop ideas to address coastal erosion within the State. CZM Hawaii is working with the group to get it started in support of the Coastal Erosion Management Plan. As part of this effort, they are also trying to develop alternatives to the hardening of shorelands. Ongoing coordination and communication will be needed to support this new group in its efforts. It was noted earlier in this document that there is a great deal of

work going on in watershed management however, the work is not well coordinated; presenting another area of potential for CZM Hawaii. CZM Hawaii received no funding from the 4th Coral Reef grant, primarily because the community based management grants which were CZM Hawaii's responsibility were not acted upon for over 1.5 years. A special award condition was placed on the grant that no funding would be released for the element until there was some progress on that work already approved. On other issues regarding coral reefs, CZM has been "incredibly supportive and responsive in information and outreach."⁶

With all the good work in outreach CZM Hawaii has accomplished during the review period, there is still more to be done. A number of these themes have been discussed above; watershed management, community based management, and consistency are indicative. What is needed is an ongoing program directed toward decisionmaking areas of the public and the public in general to continue to raise awareness of the science and what that science provides toward resolution strategies. In some instances outreach needs to be developed to provide support to the networked agencies. For instance, in the area of CZM Hawaii consistency, it would be desirable to have a consistency workshop for state agencies so they can better understand what CZM is, its scope, which covers the whole State, and the interconnectivities of federal, state and local agencies. Community based management which puts decisionmaking responsibilities back on the affected community so that it is empowered to take the decisions on what it really wants should be explored. Strategies such as that in place to support the ocean resource management conference discussed below should be continued in other areas of coastal resource preservation and use.

PROGRAM SUGGESTION

8)

CZM Hawaii is encouraged to maintain its ongoing coordination and communication activities within the full coastal resource management community. CZM Hawaii is strongly encouraged to continue outreach activities directed toward providing the knowledge and the tools to networked agencies, Counties and local governments, relevant groups and the general public to properly decide the appropriate use and protection of the State's coastal resources.

Follow-up: Within the framework of the State Constitution and CZM statute, the administration of the CZM Hawaii Program has been and will continue to be consistent with the suggestion.

H)

Major - Minor Special Management Area Permits.

There is a problem with the Special Management Area major - minor permit process in that the permit threshold for a major permit is established by a \$125K building cost. In many cases,

⁶ Conversation with Public Interest Group members in formal meetings related to the evaluation of CZM Hawaii, Tuesday, August 23, 2004.

properties are well above the threshold in land costs, as are the buildings. This means that a single family house with minimal impact is treated the same as a substantial project with many impacts. Likewise, a large project where the proposal meets environmental tests is treated the same as a development which, because of the impacts of the proposed project, “just should not take place.”⁷

PROGRAM SUGGESTION

9)

CZM Hawaii should look at the major/minor permit process of the Counties to assure that the process and decision points provide for adequate environmental protection while allowing suitable development to proceed in a timely manner.

Follow-up: CZM Hawaii agrees with the suggestion and will continue working with its county partners in developing equitable measures for legislative consideration and enactment

I)

Ocean Resources Management.

In 1991 an Ocean Resources Management Plan was developed and subsequently adopted in 1994. The 12 year old plan needs to be re-visited and some new elements need to be added. Priority issues to be developed include: fisheries management; traditional and cultural rights; economic sustainability; watershed management; ocean industry, technology and development; and coastal point and non-point pollution. A problem is that few remain aware of the Plan’s existence. A December Conference is being planned to begin the process of Plan review, development and up-date. Prior to that, in concert with the Office of Hawaiian Affairs, meeting will be held on all islands to identify cultural issues and answers.

J)

General Management Procedures.

There were 6 CZM grants processed during the review period; an additional 2 Coral Reef Grants and a number of other Federal grants were also processed. At the time of the last evaluation, there was a question regarding fiscal audits. This was solved by the assignation of an individual to support the fiscal elements of the Office and of grants processing. At the time of this evaluation, there is a move to reassign the individual with no plan to maintain the higher standard that has been reached in fiscal management and grant support. This is particularly troublesome at a time when it can be anticipated that more grant funding will be coming to the program. Absent another individual, there should be assurance that current fiscal and grant practices are maintained and the existing high level of responsibility not be lost.

⁷ Conversation with Public Interest Group members in formal meetings related to the evaluation of CZM Hawaii, Tuesday, August 23, 2004.

K)

Non-Point Source Program.

Section 6217 of the Coastal Zone Act Reauthorization Amendment of 1990 (CZARA) requires the coastal zone and water quality agencies of each state with a federally-approved coastal zone management program to develop and implement the Coastal Non-point Pollution Control Program (CNPCP). The Department of Health (DOH), Environmental Management Division, Clean Water Branch, Polluted Runoff Control Program and the CZM Hawaii Program are charged with implementing the Hawaii's CNPCP. In September 2001, a work plan was developed with a goal to have the Hawaii's CNPCP approved by June 2003. This task was an Accomplishment and also a Program Suggestion in the previous section 312 evaluation.

The Program Suggestion stated that CZM Hawaii and DOH should collaborate in exploring alternatives to provide additional staffing resources and assistance from both agencies, so that the NPS program can be submitted by January 2003. Both CZM Hawaii and DOH's Polluted Runoff Control Program continued to coordinate and develop the Hawaii's polluted runoff program to meet the NOAA/EPA conditions and the January 2003 time frame placed on the program. Based on NOAA and EPA final administrative changes, the State submitted a legal opinion that was determined acceptable for NOAA's purposes in reviewing Hawaii's ability to prevent non-point pollution and enforce the State's remaining non-point pollution management measures. Specifically, the State has existing enforcement authority that can be used to prevent non-point pollution and require management measure implementation, as necessary.

VI. CONCLUSION

Based on OCRM's review of the federally approved Hawaii Coastal Management Program and the criteria at 15 CFR 928.5(a)(3), I find that Hawaii is adhering to its federally approved coastal management program. Further advances in coastal management implementation will occur as the State addresses the program suggestions contained herein.

These evaluation findings contain two (2) necessary actions which must be addressed within the time frames established. Also, eight (8) recommendations are program suggestions that the State should address before the next regularly scheduled program evaluation and which are not mandatory at this time.

This is a programmatic evaluation of the HCZMP that may have implications regarding the State's financial assistance award(s). However, it does not make any judgments on, or replace any financial audit(s) related to, the allocability of any costs incurred.

Date
Eldon Hout, Director

*Hawaii Coastal Program
312 Evaluation*

PERSONS CONTACTED DURING THE EVALUATION

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Others:

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Assistant Attorney General
Sue Sakai
Chair, Marine and Coastal Zone Advocacy Council
Arnold Lum
Vice-Chair, and Coastal Zone Advocacy Council
John Cummings
Commander and Chief of Honolulu Civil Defense
Mark Marshall
Director, Kauai County Civil Defense
Laura Kong
Director, International Tsunami Information Center and Chair, Hawaii State Earthquake Advisory Committee, NOAA

Gary Chock
President, Martin and Chock
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Eileen Shea
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UH Sea Grant

Elizabeth Kumabe
UH Sea Grant
Sherwood Maynard
PACON
Jo Ann Tachibana
Friends of the U.N.
Claudia Hamblin-Catnik
Mina Morita
Chair, Energy and Environmental Protection Legislative Committee
Les Milnes
Kauai Planning Department, Environmental Inspector
Naomi McIntosh
Manager, Hawaiian Island Humpback Whale Sanctuary
Pat Tummons
Environment Hawaii
Chris Yuen
Director, Hawaii County Planning Department
Alice Kawaha
Hawaii County Planning Department
Don Thomas
UH School, of Ocean, Earth Sciences and Technology
Wayne Boteilho
Deputy Director, Maui County Planning Department

***Hawaii Coastal Program
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PERSONS ATTENDING THE PUBLIC MEETING*

A Public Meeting was held on Monday August 23, 2004, at 6:00 p.m. at the St. Andrew's Priory School, Kennedy Hall, Room K111, 224 Queen Emma Square, Honolulu.

Attendees:

Sue Sakia

246 Opihikao Way

Honolulu, Hawaii 96825

Jim Wood

P.O.Box 1013

Kailua, Hawaii 96734

Pamela A. Mills-Paco

P.O.Box 766

Haleina, Hawaii 96712

*Hawaii Coastal Program
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WRITTEN COMMENT RECEIVED AND RESPONSE

Comments were received from:

*Pamela A. Mills-Paco
P.O.Box 766
Haleina, Hawaii 96712*

The comments dealt with the issue of HCZMP support by the U.S. Department of Agriculture and the Watershed Advisory Group.

The comments concluded:

“The State’s lead agency DBEDT/OP has been less than effective in implementing and enforcing the core authorities of the approved programs due to a lacking USDA support and mandated compliance. NRCS Hawaii’s inconsistent performance in support of NOAA’s CZM program on Oahu must be addressed first in order to rectify its severe impact on DBEDT/OP’s CZM program delivery.”

Response: Regional watershed management is discussed in several of the findings and recommendations of this document.

Comments were received from:

*Michael Hayton
Kauai Westside Watershed Council
P.O. Box 246
Kaunakani, Kauai Hawaii 96747*

The comments dealt with the issue of regional management of watersheds.

The comments concluded that the Kauai Westside Watershed Council would be a good mechanism for “collaborating in the management program.”

Response: Regional watershed management is discussed in several of the findings and recommendations of this document.

Comments were received from:

*Caren Diamond
P.O. Box 536
Hanalei, Hawaii 96714*

The comments dealt with the issue of the use of vegetation to define the setback boundary.

The comments concluded:

Improper boundary identification creates "...hazardous coastal development which leads to beach erosion."

Response: Setback delineation is discussed in several of the findings and recommendations of this document.

Comments were received from:

*Rayne Regush
P.O. Box 510032
Kealia, Hawaii 96751*

The comments dealt with the issue of vegetation to define the setback boundary.

The comments concluded:

Use of a "...vegetative line as the determining factor is insufficient, particularly in known hazard areas."

Response: Setback delineation is discussed in several of the findings and recommendations of this document.

Comments were received from:

*Mitchell Skaggerberg
"Mango Mitch"
4370 Kalaheo Drive # 10
Kalaheo, Kauai, Hawaii 96741*

The comments dealt with the issue of vegetation to define the setback boundary.

The comments concluded:

There has been a failure to "...keep people from building their homes to close to our beaches..." and a failure to prevent "...private land owners on Kauai from blocking public access to our beaches in certain areas of our island..."

Response: Setback delineation is discussed in several of the findings and

recommendations of this document.

Comments were received from:

*Rhoda Libre
President, Kauai Westside Watershed Council
P.O. Box 246
Kaunakani, Kauai, Hawaii 96747*

The comments dealt with the issue of regional management of watersheds

The comments concluded:

“The watershed concept should be implemented with the support from agencies and not control of agencies.”

Response: Regional watershed management is discussed in several of the findings and recommendations of this document.

Comments were received from:

*Bruce Pleas
P.O. Box 721
Waimea, Kauai, Hawaii 96796*

The comments dealt with the issue of development on Kauai.

The comments concluded:

“...the coastal areas of Kauai are under continuing and increasing stress with the CZM program not addressing the fast pace of development, the large scale agricultural operations and increase use by the military of our coastal waters that are decreasing the local residents and visitors use of these precious resources.”

Response: These issues are discussed in several of the findings and recommendations of this document.

Comments were received from:

Lauren Johnson

The comments dealt with the issue of vegetation to define the setback boundary.

The comments concluded:

“Beachfront property owners are basically permitted to ‘own’ the beach by constructing walls that block public beach accesses, have their private property signs on beach accesses backed by the police department, and encroach on the beach with vegetative plantings...”

Response: Setback delineation is discussed in several of the findings and recommendations of this document.

*Hawaii Coastal Program
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RESPONSE TO PREVIOUS FINDINGS

1) Program Suggestion: *CZM Hawaii should analyze its staffing needs and alternatives for meeting those needs, specifically with respect to areas of (1) outreach and education, (2) non-point source pollution, (3) biological and ecological expertise, and (4) program compliance, and should request additional staff resources, as appropriate, from the Department of Business, Economic Development and Tourism (DBEDT), the Governor and Legislature to meet priority needs.*

Response: *This was in par done. See Section V. Review Findings and Recommendations, B. Human Resources.*

2) Necessary Action: *CZM Hawaii must work with the counties to develop a plan to strengthen the counties' implementation of their SMA authorities. In addition to the improvements that are already underway, the plan must consider the following:*

- * strengthening the role that CZM Hawaii plays in responding to citizen concerns, including promoting public awareness of CZM Hawaii's program compliance program and Public Concerns process, and considering the creation of an Ombudsman, who is knowledgeable of SMA rules, and can interact with the public and investigate their concerns;*
- * working with the counties to increase opportunities for public involvement in the SMA permitting process and clarify appeal procedures;*
- * providing training for County Planning Commissions and City Council members, County Public Works Departments, and other interested parties, on SMA authorities and requirements; and*
- * including increased reporting in CZM Hawaii's annual report to the State Legislature and performance reports to NOAA/OCRM on substantive aspects of SMA implementation, including citizen complaints, effectiveness of SMA implementation, and emerging issues needing attention.*

A draft of this plan must be submitted to NOAA/OCRM within eighteen (18) months of the date of the final evaluation findings, and a final plan must be submitted within two (2) years of the date of the final findings.

Response: *See discussion in Section V. Review Findings and Recommendations, A. Program Implementation Leadership.*

3) Program Suggestion: *CZM Hawaii should work with the DLNR, the Coastal Erosion Subcommittee, the Counties, and NOAA to obtain necessary resources to develop and acquire*

scientifically-based shoreline data to determine changes to strengthen the CZM Law's shoreline setback provisions, and to assess options to acquire and maintain significant shoreline areas.

Response: See Section V. Review Findings and Recommendations, D. Shoreline Definition.

4) Program Suggestion: CZM Hawaii should take the lead in developing a Strategic Plan for the CZM Hawaii Program to establish a shared vision and strategic directions for priority issues for the Program over the next 5 years. This plan should take advantage of the work that has been done recently on coastal zone enhancements, water quality, ocean resources and other issues.

Response: See Section V. Review Findings and Recommendations, E. Strategic Direction/Strategic Planning.

5) Program Suggestion: To facilitate CZM Hawaii's and DOH's concerted effort to complete the Hawaii Coastal NPS Program, CZM Hawaii and DOH should collaborate in exploring alternatives to provide additional staff resources and assistance from both agencies, so that the NPS program can be submitted by January 2003. Another option would be for both agencies to consider requesting additional state funded staff positions from the Administration and the Legislature.

Response: See Section V. Review Findings and Recommendations, Non-Point Source Program.

Hawaii Coastal Program
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TABLE OF RECOMMENDATIONS

Evaluation Recommendations For: XXXXX
Evaluation Findings Issued: (Date)

Number/Type of Recommendation		Recommendation Text	Required Date
Number	1/2	<p>The gubernatorial letter of May 2003, directing the Office of Planning to answer to the Chairperson of DLNR is not clearly supported by State law and is inconsistent with the organizational structure of the CZM Hawaii Program approved by NOAA. The State must resolve this issue either by formally submitting a program change, with adequate legal justification to support such a reassignment of responsibility, or the State can appoint a new director of the Office of Planning, who can meet the responsibly of leading the CZM Hawaii Program.</p> <p>CZM Hawaii needs to complete the necessary action from the previous evaluation, addressing the need to improve the enforcement of local SMA programs, on an expedited schedule. This schedule must be provided to NOAA OCRM within six months of the receipt of the final findings. Furthermore, CZM Hawaii is to develop a strategy to assure open communication between and among all networked partners within a year of the receipt of final findings.</p>	
Necessary Action	X		
Program Suggestion			
Number	3	<p>CZM Hawaii should look at alternative hiring practices as a potential mechanism to fill existing staff vacancies as it works within the State personnel practices framework to facilitate staff recruitment. In concert with this activity, CZM Hawaii is encouraged to look at other personnel needs to facilitate coordination of CZM Hawaii management practices where they are merited.</p>	
Necessary Action			
Program Suggestion	X		
Number	4	<p>CZM Hawaii should maintain its stress on regional coordination and, as the lead for the synchronization of efforts under CZM Hawaii, should continue its high degree of leadership in these efforts.</p>	
Necessary Action			

<i>Program Suggestion</i>	X		
<i>Number</i>	5	<i>CZM Hawaii should work with DLNR to develop a scientifically-based shoreline definition process.</i>	
<i>Necessary Action</i>			
<i>Program Suggestion</i>	X		
<i>Number</i>	6	<i>CZM Hawaii is encouraged to pursue a rigorous strategic planning effort with the support of the networked State agencies, the Counties, appropriate interested groups and the public.</i>	
<i>Necessary Action</i>			
<i>Program Suggestion</i>	X		
<i>Number</i>	7	<i>CZM Hawaii is encouraged to work with the Governor's Education Office to facilitate ongoing CZM Hawaii education and outreach activities both in support of actions required as a part of use of Federal CZMA funding and in support of other Programmatic initiatives.</i>	
<i>Necessary Action</i>			
<i>Program Suggestion</i>	X		
<i>Number</i>	8	<i>CZM Hawaii is encouraged to maintain its ongoing coordination and communication activities within the full coastal resource management community. CZM Hawaii is strongly encouraged to continue outreach activities directed toward providing the knowledge and the tools to networked agencies, Counties and local governments, relevant groups and the general public to properly decide the appropriate use and protection of the State's coastal resources.</i>	
<i>Necessary Action</i>			
<i>Program Suggestion</i>	X		
<i>Number</i>	9	<i>CZM Hawaii should look at the major/minor permit process of the Counties to assure that the process and decision points provide for adequate environmental protection while allowing suitable development to proceed in a timely manner.</i>	
<i>Necessary Action</i>			
<i>Program Suggestion</i>	X		